

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA

IN THE MATTER OF:

Daniel B. Layaou,  
Debtor.

CASE NO.: 05-05583-8-ATS  
CHAPTER 7 PROCEEDING

**NOTICE OF PROPOSED ABANDONMENT,**  
**NOTICE OF PROPOSED PUBLIC SALE**  
**AND**  
**NOTICE OF COMPENSATION OF AUCTIONEER**

TO: ALL CREDITORS, INDENTURE TRUSTEES AND COMMITTEES APPOINTED  
OR ELECTED IN THIS CASE ACCORDING TO LAW

In accordance with Rule 6007 of the Bankruptcy Rules, notice is hereby given of the proposed abandonment of all scheduled property listed in Schedule B of the Petition filed in this case EXCEPT the following described property, which the Trustee herein proposes to liquidate:

21 acres of land in Cumberland County, North Carolina

Notice is further given that the Trustee proposes to sell at Public Auction the above described property at the date, time and place and in the manner hereinafter set out:

August 17, 2006 at 7:00 o'clock p.m. eastern standard time (EST) at the Holiday Inn Bordeaux, 1707 Owen Drive, Fayetteville, North Carolina.

Simultaneously with the filing of this Notice, the Trustee has filed an Application with the Court to approve the employment of H.B. Smith, Jr. , as Auctioneer, whose compensation shall be fixed at a rate not greater than the following:

Sale of Real Property

10% on the first \$ 5,000.00  
3% on the next \$ 10,000.00  
2% on the next \$ 60,000.00  
1.5% on the next \$120,000.00  
1% on the balance

Sale of Personal Property

10% on the first \$25,000.00  
5% on the next \$25,000.00  
2% on the balance

An objection to the proposed abandonment, sale and/or compensation of the Auctioneer may be filed with the Clerk, U. S. Bankruptcy Court, Post Office Box 2807, Wilson, North Carolina 27894-2807, with a copy served on the Trustee whose name appears at the bottom of this Notice, **WITHIN FIFTEEN (15) DAYS** of the date of the mailing of this Notice. No hearing will be conducted on said Objection unless the Court, in its discretion, deems a hearing necessary, or unless a hearing is requested by the

party filing such request. Any party requesting a hearing shall appear at said hearing in support of such request or he may be assessed with costs.

This the 26th day of July, 2006.

s/ Ocie F. Murray, Jr.  
OCIE F. MURRAY, JR.  
Trustee in Bankruptcy  
Post Office Drawer 53007  
Fayetteville, NC 28305  
(910) 483-4990

## **CERTIFICATE OF SERVICE**

I, OCIE F. MURRAY, JR., of 2517 Raeford Road, Fayetteville, North Carolina, certify:

That on the 26th day of July, 2006, I mailed a copy of the foregoing Notice of Proposed Abandonment, Notice of Proposed Public Sale and Notice of Compensation of Auctioneer, on each creditor appearing in this case file as shown on the attached copy of the mailing matrix on file with the Clerk of Court and the following:

Bankruptcy Administrator  
P.O. Box 3758  
Wilson, NC 27895

Daniel B. Layaou  
1830 Wash McLamb Road  
Newton Grove, NC 28366

Richard D. Sparkman  
P.O. Box 1687  
Angier, NC 27501

by mailing a copy of each Notice, postage prepaid, first class mail.

I certify under penalty of perjury that the foregoing is true and correct.

This the 26th day of July, 2006.

s/ Ocie F. Murray, Jr.  
OCIE F. MURRAY, JR.  
Trustee in Bankruptcy  
Post Office Drawer 53007  
Fayetteville, NC 28305  
(910) 483-4990